

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | |
|------------------------|------------------|
| Application Number | 10/757,810 |
| Filing Date | January 13, 2004 |
| First Named Inventor | Paul A. Wender |
| Art Unit | 1625 |
| Examiner Name | Ba K. TRINH |
| Attorney Docket Number | 8400-0011 |

Mail Stop **Amendment****ENCLOSURES (Check all that apply)**

| | | |
|--|--|--|
| <input checked="" type="checkbox"/> No fee due <input checked="" type="checkbox"/> Fee Transmittal <input type="checkbox"/> Fee(s) due <input type="checkbox"/> Fee Transmittal <input type="checkbox"/> Check for \$* <input checked="" type="checkbox"/> Charge any underpayment or credit any overpayment to Deposit Account No. 18-0580 <input checked="" type="checkbox"/> Return postcard <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement & Form(s) PTO-1449 <input type="checkbox"/> Copy(ies) of cited reference(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s): | <input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks: | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------------------------------|---|-----------|----------------|
| Firm or Individual Name (print/type) | Karen Canaan, Reg. No. 42,382 Reed Intellectual Property Law Group | Telephone | (650) 330-0900 |
| Signature | | Date | May 5, 2005 |

CERTIFICATE OF MAILING

| | | | |
|---|----------------|------|-------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Name (print/type) | Yesenia Cuevas | | |
| Signature | | Date | May 5, 2005 |



FEE TRANSMITTAL for FY 2005

Effective 10/01/03. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$0

Complete if Known

| | |
|----------------------|------------------|
| Application Number | 10/757,810 |
| Filing Date | January 13, 2004 |
| First Named Inventor | Paul A. Wender |
| Examiner Name | Ba K. TRINH |
| Group Art Unit | 1625 |
| Attorney Docket No. | 8400-0011 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None

☐ Deposit Account:

Deposit Account No. 18-0580
Deposit Account Name Reed IP Law Group

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Charge any underpayment or credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING, SEARCH AND EXAMINATION FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|---|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 790 | 2001 | 395 | Utility filing fee (filed on or before 12/8/04) | |
| 1011 | 300 | 2011 | 150 | Utility filing fee (filed after 12/8/04) | |
| 1111 | 500 | 2111 | 250 | Search Fee | |
| 1311 | 200 | 2311 | 100 | Examination Fee | |
| 1081 | 250 | 2081 | 125 | For each additional 50 sheets exceeding 100 | |

SUBTOTAL (1) \$0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | | Extra Claims | | Fee from below | | Fee Paid |
|--------------------|--------------------|--------------|---|----------------|---|----------|
| Independent Claims | Multiple Dependent | | | | | |
| 74 | 7 | - 78** = | 0 | x | 0 | 0 |
| | | - 7** = | 0 | x | 0 | 0 |
| | | | 0 | x | 0 | 0 |

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1202 | 50 | 2202 | 25 | Claim in excess of 20 | |
| 1201 | 200 | 2201 | 100 | Independent claims in excess of 3 | |
| 1203 | 360 | 2203 | 180 | Multiple dependent claim, if not paid | |
| 1204 | 200 | 2204 | 100 | ** Reissue independent claims over original patent | |
| 1205 | 50 | 2205 | 25 | ** Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) \$0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|-----------------------------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month | |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month | |
| 1253 | 1,020 | 2253 | 510 | Extension for reply within third month | |
| 1254 | 1,590 | 2254 | 795 | Extension for reply within fourth month | |
| 1255 | 2,160 | 2255 | 1,080 | Extension for reply within fifth month | |
| 1401 | 500 | 2401 | 250 | Notice of Appeal | |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal | |
| 1403 | 1,000 | 2403 | 500 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 500 | 2452 | 250 | Petition to revive - unavoidable | |
| 1453 | 1,500 | 2453 | 750 | Petition to revive - unintentional | |
| 1501 | 1,400 | 2501 | 700 | Utility issue fee (or reissue) | |
| 1502 | 800 | 2502 | 400 | Design issue fee | |
| 1503 | 1,100 | 2503 | 550 | Plant issue fee | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| 1814 | 130 | 2814 | 65.00 | Statutory Disclaimer | |
| Other fee (specify) | | | | | |
| *Reduced by Basic Filing Fee Paid | | | | | |
| SUBTOTAL (3) | | | | | \$0 |

SUBMITTED BY

| | | | | | |
|-------------------|--------------|-----------------------------------|--------|-----------|----------------|
| Name (Print/Type) | Karen Canaan | Registration No. (Attorney/Agent) | 42,382 | Telephone | (650) 330-0900 |
| Signature | | | | Date | May 5, 2005 |



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:
Paul A. Wender et al.

Confirmation No.: 1195

Serial No.: 10/757,810

Group Art Unit: 1625

Filing Date: January 13, 2004

Examiner: Ba K. TRINH

Title: APOPTOLIDIN ANALOGS AND DERIVATIVES FOR INDUCING APOPTOSIS IN TRANSFORMED CELLS

AMENDMENT UNDER 37 C.F.R. § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the non-final Office Action mailed on February 9, 2005, please reconsider the application in light of the amendments, remarks, and Declarations presented in this paper. As this response is timely filed within the three-month shortened statutory period for response, no fee accompanies this response.

AMENDMENTS TO THE CLAIMS:

The amendments to the claims are reflected in the listing of the claims set forth on pages 2 to 15 of this paper.

REMARKS:

Applicants' arguments in support of this application are presented in the remarks set forth on pages 16 to 18 of this paper.

ATTACHMENTS:

Three Declarations under 37 C.F.R. § 1.131 are attached to the end of this paper.